

DPS-230
June 24, 2004

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **03-4597**

MANUEL RAMOS,
Appellant

v.

KATHLEEN HAWK-SAWYER; ET AL.
(MD/PA. Civil No. 00-cv-01957)

Present: McKEE, RENDELL and FISHER, Circuit Judges.

Submitted by the Clerk is the within appeal for possible dismissal pursuant to 28 U.S.C. § 1915(e)(2)(B), in the above-captioned case.

Respectfully,

Clerk

MMW/JDM/rls

ORDER

The foregoing appeal will not be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B). The Clerk shall appoint counsel for Appellant pursuant to 28 U.S.C. § 1915(e)(1) and issue a briefing schedule. In addition to issues that the parties chose to brief, the parties shall address whether the Magistrate Judge properly entered summary judgment for defendants Dr. Terhaar and the United States of America on the ground that Ramos failed to produce expert testimony where, prior to opposing the summary judgment motions, Ramos's court-appointed counsel had indicated to the court that he was unable to incur the expense of procuring an expert witness for Ramos.

By the Court,

/s/ Marjorie O. Rendell
Circuit Judge

Dated: August 3, 2005

RLS/cc: MR

JJJ

GMT

PTO



Marcia M. Waldron
Marcia M. Waldron, Clerk